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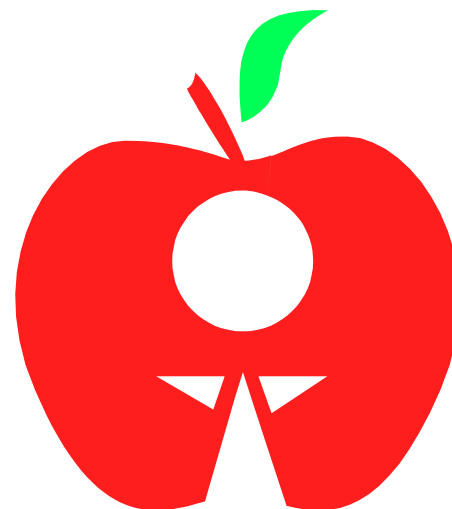
www.interdepartmentalregs.state.va.us

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**BECOMING LICENSED
IN VIRGINIA AS A**



CHILDREN'S RESIDENTIAL FACILITY

WELCOME!!!!

This guide was prepared by the Office of Interdepartmental Regulation for those considering opening a new children's residential facility in the Commonwealth. While it is not intended or designed to answer every question you might have about licensing such a program, we hope it will guide you through the process and direct you to those able to offer further assistance.

Regulators are committed to protecting children who, for a variety of reasons, find themselves living briefly or long-term in a children's residential facility. Licensing regulations and the activities of regulatory staff are focused on reducing the physical, emotional and psychological risk to children in care while seeking to ensure they receive appropriate, effective, and responsive services. Care and services must be provided in a manner that values and respects the individual child and the unique circumstances and needs that bring the child into your program. It is important to remember how little time your program will have to compensate for many hurts and failures each child encountered before entering your program. The challenges in helping these children to build a promising future are great, as are the rewards.

Regulators welcome the opportunity to help you succeed in your goal to become licensed to serve children. Unfortunately, regulatory staff do not have the time to help you conduct needs assessments, develop marketing plans, write policies and procedures, etc. They will answer questions regarding compliance to the *Interdepartmental Regulations for Children's Residential Facilities*.

WHEN CAN I ADMIT MY FIRST RESIDENT?

You may not admit children before receiving a license. While you will undoubtedly be eager to begin serving children, remember that it is a misdemeanor to do so without a license. It will be necessary to closely coordinate the admission of your first residents, but be careful not to promise definite admission dates you may not be able to honor.

HOW OFTEN WILL MY FACILITY RECEIVE A LICENSING INSPECTION?

How often your facility receives a licensing inspection will depend on the assigned lead agency. At a minimum, each facility will receive at least one unannounced visit per year.

THE NEXT STEP

If you wish to pursue licensure of a children's residential facility, we welcome you to the challenges and rewards of providing good care for children. If you have additional questions about becoming licensed, please contact the Office of Interdepartmental Regulation or your assigned regulator.

THE INITIAL ON-SITE LICENSING STUDY

This consists of an announced site visit by the regulator at a mutually convenient time. During the study, the regulator will review all licensing standards to determine whether your program is in compliance. At the initial study, a facility typically cannot fully demonstrate compliance with many standards simply because it is not yet in operation. The regulator will determine compliance with certain standards and the adequacy of planning to assure future compliance with all standards. Then he or she will conduct an exit interview and review all findings with you. A written summary and compliance plan will probably be left at the facility at the conclusion of the inspection; if not, it will be sent promptly by mail.

ISSUANCE OF INITIAL LICENSE

The applicant must complete the compliance plan, state the actions that will be taken to correct any deficiencies found, and give time frames for correction. Once the corrective action plan is approved by the regulator, the regulator will make a decision regarding issuance of a license. In most cases, a conditional license will be issued for a period of six months to allow time for the facility to demonstrate full compliance with all standards. Submission of an application does not guarantee that a license will be issued.

OFFICE OF INTERDEPARTMENTAL REGULATION OF CHILDREN'S FACILITIES

This office coordinates the children's residential regulatory activities conducted by four state agencies: The Department of Social Services; the Department of Education; the Department of Mental Health, Mental Retardation and Substance Abuse Services; and the Department of Juvenile Justice. Each agency will license, certify or approve children's residential programs as assigned in state law. This coordinated approach to regulating children's residential programs is designed to standardize most aspects of regulation among the four agencies. It also reduces and simplifies the regulation involved in licensing and certification. The Office also coordinates development of licensing regulations and conducts training for regulatory personnel and facility providers on a variety of topics.

Depending on the primary focus of the residential program, the services to be provided, the qualifications of the staff, and the population to be served by a facility, the Office of Interdepartmental Regulation will determine which state agency is the most appropriate regulatory authority. The address for this office is: Office of Interdepartmental Regulation of Children's Residential Facilities, 7 North 8th Street, Richmond, 23219; phone 804-726-7098.

WHAT STANDARDS APPLY?

The Standards for Interdepartmental Regulation of Children's Residential Facilities apply to residential facilities regulated by the Departments of Education (DOE); Juvenile Justice (DJJ); Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS); and Social Services (DSS). You may receive a copy of these standards by calling 804-726-7098 or accessing it through the web site at www.interdepartmentalregs.state.va.us. Additional standards will be applied should your lead regulatory agency be DMHMRSAS, DOE, or DJJ.

WHY BECOME LICENSED?

The *Code of Virginia* requires that all children's residential facilities be licensed.

IS THERE A NEED FOR YOUR PROGRAM?

It is commendable to want to serve children but it is essential to know whether there is an unmet need for the program and services you want to offer. It is wise to conduct a needs assessment in the area where you want to locate. At minimum, talk with potential referral agencies such as the local department of social services, the juvenile court staff, the public school system, the local CSA office and area children's residential programs. Also consider demographics and service trends. If there is no need for an additional residential program, perhaps there is a need for other types of programs.

PREPARING FOR THE INITIAL LICENSING STUDY

The initial licensing study is when the regulator will visit your facility to review compliance with all standards. Prior to this site visit, the building should be fully furnished (furniture, linens, cookware, food, office supplies, first aid supplies, etc.). Ideally, model forms and written policies and procedures will have been reviewed before this visit but must be complete and available at the licensing visit. Personnel records need to be current. Although the program will not be operational at the time of the study, you must have systems in place for: planning menus and preparing meals; finalizing staff work schedules; emergency on-call procedures; daily routines for staff and residents; and finalized plans for supervision of residents. Staff must have completed training in first aid and CPR to meet the ratios required in the standards.



STAFFING YOUR PROGRAM

How well you staff your program will, ultimately, be the single greatest factor in your success. As you complete the application process, you will likely be screening, hiring, and training a variety of staff. Please pay close attention to both the education and experience requirements specified in the Standards. In smaller facilities, it is common to select staff to fulfill the duties of several positions listed in the Standards. If you plan to staff in this manner, please ensure that the individual meets the education and experience requirements specified for each position to be covered. Pay close attention to the standards for Chief Administrative Officer, Program Director, Supervisor of Child Care Staff and Child Care Workers.



LOCATION OF YOUR FACILITY?

A children's residential facility should be located near the families it expects to serve and also near a variety of community-based services. The facility should be reasonably accessible to schools, transportation, churches, medical and psychiatric resources, recreational and cultural opportunities, and emergency response services.

IS FUNDING AVAILABLE TO HELP OPEN NEW FACILITIES?

The Departments of Social Services; Education; Juvenile Justice; and Mental Health, Mental Retardation and Substance Abuse Services do not usually offer financial assistance to open new programs. Historically, new programs have relied upon a variety of funding sources such as religious and charitable organizations, corporations, local citizens, civic groups, donor bases, and anticipated fees for services. However, at the time you plan to open a new facility, you might locate funding from federal, state or local governments or through private foundations. Residential facilities are reimbursed for care and services after children are placed.

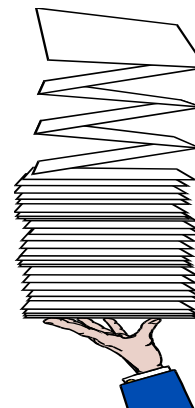
COMPREHENSIVE SERVICES ACT

In Virginia, The Comprehensive Services Act for At-Risk Youth and Families (CSA) governs the placement and funding for many of the children in need of residential services. This law combined eight specific funding streams at the state level and put them under the control of the local governments. A Local Community Policy and Management Team approves funding for children referred by the local Family Assessment and Planning Team for placement in residential care. If the funds are approved for a child's placement in a residential facility, the facility is reimbursed, usually on a monthly basis, after the child is in care. The arrangements must be made between the facility and the locality involved. Children may be placed by a local department of social services and have a social worker assigned. Some children may be in their parents' custody. Other children may be placed through referral by a local school division, community mental health service, or juvenile court services. Case managers are assigned to work with these children and their families. Virginia places great importance on children remaining with their families whenever possible. When this is not possible, children are placed in settings as close to home as possible. Facilities are expected to involve families in the services planning for each child, unless the local team/placing agency gives other directions. The CSA pool is the funding stream of last resort and must be used on a child-specific basis. This means that pool funds may be spent only when purchasing services for specific children and their families.

FORMS

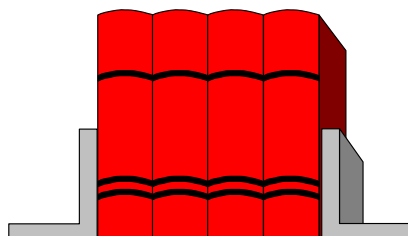
An important part of complying with licensing regulations relates to maintaining case records. Facilities have considerable freedom to develop their own forms and are encouraged to be creative and efficient in maintaining necessary written accountability.

In adopting forms for use in your program, please be mindful of several considerations. Begin with the basic items required by licensing standards and then add whatever optional information you believe would be useful. Ensure that all forms are clear, specific, user-friendly and that they provide sufficient space for the desired information. Keep in mind the purpose for which the form will be used and ensure that it will satisfy that purpose. Be complete but keep it simple! The regulator can offer consultation in this area. The benefits of submitting your model forms early in the application process are similar to those for early submission of policies and procedures.



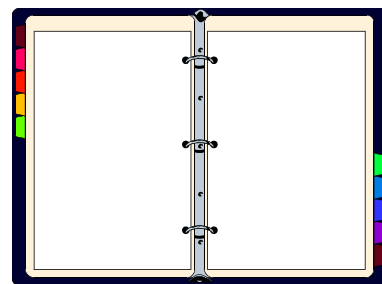
POLICIES AND PROCEDURES

A list of policies and procedures required by licensing regulations is available from your regulator. Each facility develops its own unique policies and procedures in addition to those required by the standards. While a copy of facility policies and procedures is not required when the application is submitted, we strongly recommend that these be completed early in the application process and sent to the regulator for review and consultation. It is essential to finalize your policies and procedures prior to the initial licensure study. These are the basis for training new staff in preparation for the study and for demonstrating compliance with licensing regulations. Having policies and procedures approved prior to the initial on-site study will also expedite facility licensure.



SERVICE FEE DIRECTORY

Providers of services to CSA children and families register in the Service Fee Directory, giving the name, address, and the services offered for each facility. Facilities register the maximum fees they will charge for residential services in this directory and are responsible for keeping it updated. The Directory may be accessed through the web site at www.csa.virginia.gov. For more information about the CSA and the Service Fee Directory, please call the Office of Comprehensive Services at 804-662-9815.



THE ROLE OF THE REGULATOR

The regulator is committed to your success. He or she will seek to understand the unique settings and needs of your program while remaining sensitive to your individual values and philosophy. The regulator's role is to help you become familiar with and comply with state laws and licensing regulations. The regulator will guide you through the initial licensure process and establish an ongoing professional relationship with your facility and administration. The regulator will help you stay informed about and in compliance with laws and regulations. He or she will assist you in maintaining a current license and will investigate reports that your program is violating licensing standards or laws. The regulator represents the Department he or she works for and is given by the *Code of Virginia* the authority to inspect children's residential facilities and to interview all employees and residents in care.



THE HEALTH INSPECTION

We recommend that you consult with an official of the Virginia Department of Health early in the planning for your program, particularly if undertaking new construction. The health official can provide consultation that may save you time and money. Water quality, sewerage/septic provisions and applicable food service regulations are reviewed. The health official will conduct a site inspection for the initial licensing study and annually thereafter. The health inspection report, which is included in the initial application packet, must be filed with the application for licensure.

HOW LONG DOES THE PROCESS TAKE?

The regulator has 60 days after receipt of a **complete** application to take final action on an application. Once an application is complete, the regulator will act as quickly as possible to complete the licensing process and make the issuance decision. The process can be completed more quickly if your planning is thorough and you are well prepared for the licensing study.

WHAT ABOUT ZONING REQUIREMENTS?

Licensing regulations do not address zoning matters. Local governments administer zoning approvals, restrictions or denials. It is important to check with the zoning official in the city or county in which you wish to locate before you purchase or lease a building to ensure that zoning laws will permit the type of program you plan.

THE FIRE SAFETY INSPECTION

An initial fire inspection must be conducted to determine compliance with the Virginia Statewide Fire Prevention Code. This inspection can often be conducted by local fire authorities, but where it cannot the Office of the State Fire Marshal will inspect upon your request. In addition to the initial inspection, annual follow-up inspections will be conducted. The fire inspection report must be filed with the application for licensure.

THE APPLICATION PROCESS

After submitting a detailed program description, a lead licensing agency will be assigned to work with you. Once a lead agency has been assigned, an initial application for licensure will be sent to you from the Office of Interdepartmental Regulation. The application consists of a multi-page questionnaire that specifies required attachments to be submitted as part of the application.

- The application requires information concerning:
 - the address and location of the facility;
 - the sponsoring organization;
 - the identity and qualifications of key staff;
 - the type of program you propose to operate;
 - facility capacity;
 - gender and age range of children you plan to serve;
 - the physical plant to be used; and
 - storage of financial, personnel and resident records.
- Also required are:
 - facility floor plans;
 - the staff supervision plan;
 - job descriptions;
 - a statement of philosophy and objectives for the facility;
 - criteria for admission;
 - reports of health and fire inspections; and
 - the Certificate of Use and Occupancy.
- Financial information needed includes:
 - documentation of funds or
 - a line of credit sufficient for 90 days of operation, a balance sheet and a working budget which projects revenue and expenses for the first year of operation.

Facilities operated by a corporation must submit the Articles of Incorporation, the By-laws, the Certificate of Incorporation (or Certificate of Amendment), a signed Board Statement completed by the Board secretary and a list of all members of the Board and the Executive Committee. Information for board members must include the address and office/title of each individual and identifying information for three references to be contacted for three Board officers. All of the above is required for a complete application.

As you begin completing the application, you also need to finalize personnel and operational policies and procedures. Your application will be submitted to the assigned lead regulatory agency. Upon receipt of the application, the lead regulatory agency will review it and you will be notified whether or not the application is complete. Once the application is complete, a regulator will be assigned to assist you through the regulatory process. At this time, you will need to consult with the regulator and establish time frames for hiring staff and completing the final set-up of the facility. The regulator will seek references for Board officers where applicable, evaluate the financial position of the applicant, review program material, seek clarification from you when necessary and, finally, schedule the site visit to determine compliance with all regulations. There is no application or license fee.

BACKGROUND INVESTIGATIONS

State law requires that all residential facilities for children conduct background investigations of all employees as well as, volunteers and service contract providers who are alone with children and who work at the facility on a regular basis. The background investigation includes a state and a national criminal record check based on fingerprints and a child abuse and neglect central registry check through the Child Protective Services Unit of the Department of Social Services. Procedures for background investigations are usually distributed with the Initial Application Packet.

THE BUILDING OFFICIAL

A Certificate of Use and Occupancy must be obtained for each building to be used by your program. This is obtained through the local building official in the city or county where the facility will be located. The Certificate of Use and Occupancy must be filed with the application for licensure. This document must specify that the building may be used as a group home or residential facility for children.